Daily Globe.

BY H. P. HALL.

NO. 17 WABASHAW STREET, ST. PAUL.

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ST. PAUL. FRIDAY, SEPT. 20, 1878.

POLITICAL MEETINGS.

HON. IGNATIUS DONNELLY will address his fellow citizens as follows:

Litchfield, Tuesday, Sept. 24.
Stillwater, Thursday, Sept. 26.
Taylor's Falls, Friday, Sept. 27.
White Bear Lake, Saturday, Sept. 28.
Rush City, Monday, Sept. 30.
Duluth, Tuesday, Oct. 1.
Pine City, Wednesday, Oct. 2.
Gottage Grove, Thursday, Oct. 3.
Long Lake, Friday, Oct. 4.
Wayzata, Saturday, Oct. 5.

These meetings will be held in the evening; speaking to commence about 7:30 o'clock. Friends of the cause are requested to give the necessary notice and arrange as to halls.

Mr. Donnelly will also speak at the Anoka fair Sept. 25th, at 2 P. M.

Third District Committee.

To the Editor of the Globe.

In accordance with the resolution of the late Democratic Third District Convention, I have appointed the following committee for this district. W. M. CAMPBELL,
Chairman Third Dist. Convention.

LITCHFIELD, Sept. 16, 1878.

COMMITTEE.

Robert A. Smith, Chairman.	
Eugene M. Wilson,	J. A. Bowman,
William Crooks,	Frank J. Mead.
Joel B. Bassett,	T. G. Mealey.
Harlan P. Hall,	Martin Delaney,
W. W. McNair,	C. F. Macdonald,
William L. Banning,	Isaac Staples,
Dr. A. A. Ames,	Peter Dean,
P. J. Giesen,	J. W. McClung.

The above committee are requested to meet at St. Paul, on Tuesday, Sept. 24, at 2 P. M. The meeting will be held at the Democratic Campaign Room, 46 West Third street.

ROBERT A. SMITH, Chairman.

CALL me pet names dearest. Something like "pimp and parasite of a perjured scoundrel." Bill and Joe are in.

HAYES, it is said, will provide Hale with a foreign consulate or a home judgeship. Of course Hale cannot get along without an office of some sort. Nature never designed him for honest toil, either mental or physical.

IT is now a grave question at the *P. P.* office whether the St. Paul dog will waggle the Minneapolis tail or the Minneapolis tail will waggle the St. Paul dog. Appearances seem to be greatly in favor of the tail waggling the dog.

THE Democrats of the Milwaukee (Fourth) district have nominated P. V. Deuster, editor of the *See Bote*, the leading German paper of Wisconsin, to Congress. Mr. Deuster is a gentleman of ability, who will do the district credit at Washington.

THAT pestilent fellow Cohen, who has been endeavoring to incite disturbance and bloodshed at Washington, has been held in bonds to keep the peace for thirty years, and the case was postponed for that period. If he doesn't break the peace before his bond expires there may be some hope that he will eventually become a peaceable and enterprising citizen.

THE Philadelphia *Times*, one of the sprightliest of our exchanges, is about to begin an innovation in the Quaker City by the publication of a Sunday edition. This may shock the propriety of the denizens of that ancient burgh, but we have no doubt the Sunday *Times* will soon become an indispensable accessory of the breakfast roll and coffee.

THE appointment of Cardoza, the colored convict of South Carolina, to an important office under Mr. Hayes, causes some invidious remark. But why should not a man who himself stole the office he holds, appoint a man who was only guilty of stealing a few hundred thousands of dollars from the State treasury? There is nothing inconsistent in the appointment that we can see.

LET'S see. Thirty thousand dollars, paid by Bill King to Joe and Fred, as their share in the construction company. Odd coincidence that before the payment Charley Nichols should have visited Clark Thompson and urged him to run for the Senate, promising support of the *Press*. Funny, that after the $30,000 was paid the *Press* supported Bill Windom. Queer, that a few years later the *Press* should call Bill King the "strumpet of corruption, striding in naked horror through the district." Perfectly natural that in 1878 Bill King should edit the *Press*, while Fred and Joe fall on his shirt front and weep great tears of joy over the acquisition of the great and good man so graphically described in their files.

THE Washington police authorities seem to be very timorous beings. They dread an attack by the few hundred ranting communists upon the United States treasury, and fear lest the hoards of wealth there stored may be distributed according to the communistic plan. They may possess their souls in peace. There is in the socialistic mind a holy horror of the results of the contact of grape and cannister with the human anatomy, and it is not at all probable that they will run the risk of encountering a leaden hail from the mouths of the governmental cannon.

A BIG row has been created in one of the Pennsylvania districts, because of the action of one of the Republican candidates for Congress using unjust discriminations against certain delegates. The Huntington *Nationalist* explains the matter thus:

The Perry county men got only $25 apiece, while the Snyder county men, including their candidate, got each $100 a head. Evidently there is something wrong. The Perry county people ought to be worth as much per man as the Snyder county fellows.

We don't wonder that there is a disturbance, especially as it is the cardinal principle of the Republican party to permit no discriminations whatever.

ROBESON.

George M. Robeson, ex-secretary of the navy, has just been nominated for Congress by the Republicans of the First New Jersey district. In his speech accepting the nomination he flung this defiance in the teeth of his enemies:

You have given me the first opportunity I have had to say to the whole pack of my assailants, hunters and hounds, "Now is your time! Meet me face to face before the people of this district! Try the issue between us man to man, eye to eye, each man who fights to see the man who strikes him."

George needn't give himself any uneasiness. He will find plenty to "meet him face to face" before the campaign is over and prove to his full satisfaction the charges that have been made against him. But he is not to blame for accepting the nomination tendered him. It is the party that is to blame for placing before the people a man convicted of the most bare-faced maladministration of the public trust given in his charge. A party which chooses such men to represent it cannot escape the imputation of being in sympathy with the jobbery and thievery that have been the salient features of the official conduct of Robeson and those of his ilk.

In this connection the GLOBE may be permitted to call Mr. Robeson's attention to a few of the charges that have been at various times preferred against him, simply that he may begin to explain them in due season; for if he doesn't get an early start it is to be feared that his explanations will require more time than is allotted for the Congressional canvass. Mr. Robeson cannot be ignorant of the fact that while he was secretary of the navy he was openly accused of being in a corrupt partnership with the Cattells, of New Jersey, through whom all contracts for work or materials for the department were made, and that the government suffered serious loss through such partnership, often having to pay double or treble prices for the construction of vessels of war and for navy supplies. This charge has never been successfully contradicted, and the bills on file in the department are strongly presumptive of its truth. Again it is alleged that another corrupt partnership existed during a part of Robeson's administration with Secor, and that the relations of the twain were redolent of fraud. To cover up these frauds and destroy all evidence of a documentary character that might be used against them, it is charged that the navy department building was set on fire several years ago, and a large number of important public documents destroyed.

It is also charged, on the authority of the present secretary of the navy and a Congressional investigating committee, that vessels that cost many millions of dollars and were never put into service, were broken up and sold for the price of old iron to some of Mr. Robeson's pet contractors, and that in this manner the government was swindled out of twenty-six millions of dollars. Robeson has never attempted to explain these circumstances, and he might begin now. These are a few of the matters that his adversaries will fling in his face when he meets them in controversy. It would probably be well for Robeson to commence explaining these rather suspicious circumstances, so as to get his hand in for other explanations that will have to follow. He needn't be backward in coming forward.

FLIPPANT SHERMAN.

The New York *Commercial Bulletin* is somewhat distressed because of Secretary Sherman's vacillating policy regarding the issue of silver dollars in exchange for greenbacks. As the *Bulletin* is a purely commercial and financial paper, taking no part in partisan politics, its opinions are deserving of more than ordinary attention. It says:

The government is no more authorized to give silver in exchange for legal tenders before the date of resumption than it is to give gold in such exchanges. We assumed that the secretary had considered this question and had deliberately determined to act without authorization, relying upon Congress to sanction his action because it seemed to be necessary as a means of getting the new silver dollar into circulation and because, by reducing the premium on gold, it would somewhat aid his preparation for resumption. Strange to say, however, the secretary's order countermanding the exchange of the standard silver dollar for greenbacks requires us to believe that the question of the legality of his previous orders of the 3d and 7th inst., had never been seriously considered by him, and that the matter of authority is entirely an afterthought suggested by somebody whose opinion the secretary respects. Such an exhibit of the flippancy with which the most important department of the government is conducted is so astounding that no words of ours are needed to characterize it. We presume this is the first time a secretary of the treasury has openly confessed that he issued an important order bearing on the national finances without considering whether he had legal authority for his act.

The point of the *Bulletin* is well taken. It is indeed extraordinary that a man to whose care is committed such vast responsibility, should take a step calculated to create so great disturbance in the money markets of the country, without considering whether he had legal authority for his act or not. But the act is characteristic of Sherman. He is not one of those who considers himself bound by the law. He is above obeying its mandates, thinking that he knows better how to govern the affairs of the nation than those who made the laws. He therefore attempts to carry out his own sweet will until brought to time with a reminder that others respect the law and will see that it is obeyed.

The pernicious effects of Sherman's fluctuating course are already apparent. The premium on gold is maintained steadily, the holders not knowing what course the financial secretary will next pursue. Speculation is rife at all the money centers, the prices of all commodities likely to be affected by the gold premium are unsteady, and those who wish to purchase goods dare not do so for fear of a further move on Sherman's part that will knock the bottom out of values. But this is not the worst of it. It has created a feeling of distrust among all classes of the community—an uncertainty as to whether he will succeed in his evident purpose of debasing the coin of the government. This state of affairs is gratifying and profitable to a few; it is discouraging and ruinous to the many. It prevents what we most need—a settled currency, settled values, and full confidence in the financial policy of the government. The more seen of Sherman the greater the need is felt for a financial officer who is endowed with wisdom and actuated by honest motives.

WILL THE MINNEAPOLIS P. P. GIVE ST. PAUL A SHOW.

To the Editor of the Globe:

ST. PAUL, Sept. 19.—I sent the following to the double-ender to-day, and that the GLOBE may have an opportunity to publish it simultaneously I also forward it to you.

ST. PAUL.

Editor of the Minneapolis Pioneer Press:

ST. PAUL, Sept. 19.—I see by your replies to correspondents this morning that you propose to stand by the local interests of Minneapolis and devote you best energies to building up your city. This is right and admirable, but it occurs to me to suggest, whether, as a business proposition purely, it would not be advisable to give St Paul an editorial column also. I would not expect you to really advocate the interests of St. Paul, as that would conflict with the city in whose exclusive interest your paper is published, but perhaps you have some readers in St. Paul who would like to see a recognition of that city even though it was only in name. I have felt some doubt about making this suggestion lest you might regard it as a matter of presumption, and I beg you not to consider that I urge the matter as a right but simply as an act of magnaminity on your part.

ST. PAUL.

This correspondent is certainly not devoid of cheek. Bill King has over forty thousand dollars invested in the *Pioneer Press*. He has allowed Blakely and Driscoll and Joe to fool around with the property until it is much depreciated, and now he proposes to assume the management himself. Everyone knows that Bill King is loyal to his town, and he does not propose to allow his paper to be used to puff or even tell the truth about St. Paul. As a matter of convenience he keeps his machinery in St. Paul, but he does not, on that account, propose to allow his journal to be disloyal to Minneapolis. We do not expect to pluck figs from thistles, and there is no reason to ask or expect Bill King to give St Paul fair play in his paper. As far back as when he published the weekly *Atlas* in Minneapolis, he abused and misrepresented St. Paul. His management of the recent "exposition" shows that he has not changed his temper, and his present morning paper, though printed in St. Paul, will bear the usual Bill King imprint of hostility to St. Paul. That is what Bill lives, and works, and has his being for.

WHY BILL KING AND DOC. KEITH SUPPORT WASHBURN.

Bill King, editor of the *Pioneer*, and Doc. Keith, postmaster at Minneapolis, are ardent supporters of Bill Washburn for Congress. In 1871 Cyrus Aldrich was removed from the Minneapolis post office by Bill King, and Doc. Keith appointed in his stead. Bill Washburn got up an indignation meeting and was the leading speaker. The following is an extract from the report in the St. Paul *Press* of April 12, 1871:

"Never before has this community been so stirred up as it has at the removal of Col. Aldrich from the office of postmaster in this city. At first it was not believed by any one, hardly, and it is safe to say that not five persons in the city knew of it, and a still less number desired it. In the five may be classed BILL KING, Dr. Keith and Granny Greene. "I will not attempt to give you a sketch of Mr. Washburn's speech, but it was full of bitter denunciations of not only the *dastardly* and *contemptible* means by which the *outrage* was committed, but filled with cutting sarcasm of the mean, *contemptible wretch* with whom it was sought to displace the present occupant.

This explains why King and Keith are so anxious to elect Washburn at the present time. Keith rather enjoys being called a "contemptible wretch," and licks the hand that smites him.

JUDGE WEST, in concluding a speech at Hillsboro the other day, rounded off one of his periods with these words:

The greenback is the child of Republican patriotism. Born of rebellion and cradled in the conflict it was the star of hope and promise of redemption in the struggle for liberty.

This "child of Republican patriotism" is now disowned and dishonored by those who brought it into being, and has been obliged to fly to the Democrats for protection. What kind of a party is it that throws discredit upon its own child.

DAVID A. GAGE, the late city treasurer of Chicago, who left the city in the lurch to the extent of over half a million, has gone out to Colorado, and from thence informs his numerous creditors that they will have to look to the bankrupt court for their pay. His liabilities foot up to about four and a quarter millions; his assets to four and a quarter cents. David always had a winning way about him.

MINNESOTA NEWS.

Brainerd *Tribune:* Fires have been raging through the country southeast of the city during most of the week past, destroying hay, timber, etc. Wm. Wick has lost nearly forty tons of hay, and many others similar and smaller amounts. Hay will be in large demand here before spring in consequence.

The prairie chickens that have been so mercilessly pursued by hunters, guided by instinct, an unerring substitute for reason, if not reason itself, have betaken themselves (those that survived the slaughter) to parts unknown, and it is now difficult for the keen eye of the hunter, or his dog, to sight even a straggler in their accustomed haunts.

Three thieves in Waseca undertook to rob John Fox, who, drunk, had taken up his lodgings for the night in a lumber yard. Marshal Rodel and his assistants had his eye on the men, suspecting from their movements they had designs on Fox. The marshal detected the robbers in the act of robbing Fox. Two were arrested, the other escaped.

Mankato *Review:* A force of nineteen workmen are engaged in putting in the new iron bridge at the Blue Earth, on the St. Paul & Sioux City road, and another gang of seven are at work on the Winona road, erecting barbed wire fencing along the track. The road has been fenced to this city, and the force is now working westward, via St. Peter.

Sewall and the Stow Pavement.

ST. PAUL, Sept. 19, 1878.

To the Editor of the Globe:

I notice a communication in the GLOBE this morning relative to the Stow pavement that does injustice to Mr. Sewall, the city engineer, and thought it proper, as the representative of that patent, to set the matter right.

The writer infers from the specifications that Mr. Sewall means to "crowd out the Stow pavement." I infer that he is mistaken. The clause in Mr. Sewall's specifications which the writer refers to, reads as follows:

"The following specification is intended for the Stow pavement, but shall be followed by other pavements so far as it is applicable to them. The foundation shall be clean, coarse gravel six inches in thickness, free from stone exceeding one inch in diameter, which shall be thoroughly compacted by ramming. All gravel used for filling between blocks shall be screened so as to be of a size between the size of peas and the size of hazelnuts, and shall be thoroughly rammed, &c."

Mr. Sewall having previously recommended the Stow pavement in preference to all other wood pavements, believing it to be the best, considering the cost, for this city where the streets are almost constantly being torn up for repairing sewers, gas pipes, etc., he would naturally assume its adoption, and having that in mind casually mentioned that pavement in the specifications, but you will notice he specifically provides that this specification shall apply to any other pavement in case of its adoption.

I can see nothing in this that leads me to think in the slightest degree that Mr. Sewall intended, or intends to discriminate against the Stow pavement. I see nothing unfair, the specifications will apply to almost any kind of wood pavement. I am satisfied and hope all others may be. A. A. MCLEOD.

William S. King Installed as Editor of a St. Paul Paper.

To the Editor of the Globe:

The capture of the *Pioneer Press* by the Minneapolis Sawdust company and "Grand Northwestern Exposition," as represented bs William S. King, introduces a new era in St. Paul journalism, and presents a new anomally in the conduct of a professedly St. Paul paper.

The *P. P.* has had its hands tied and its feet bound and its mouth gagged so that it dared not fight for St. Paul interests ever since it assumed the name of the "St. Paul and Minneapolis *P. P.*" It has permitted Minneapolis to present bogus figures of its growth and claims to supremacy over St. Paul, without daring to contradict and expose the trick. The union arrangement has thus been a great injury to this city, while it has given circulation to Minneapolis lies, and a publicity that village could never have had by any of its own feeble papers. It was therefore noticed, and has been recently remarked by many of our citizens, that it was a pity for St. Paul that one of our principal journals should be emasculated in this way, and become a wooden horse for the enemy to introduce its armed legions into the very heart of our Troy.

It was bad enough before. In fact it was a surrender entire and complete of our paper to a rival city. But this new arrangement throws the old into the shade. It is not only a surrender, but it will be difficult hereafter to know which is the dog and which is the tail.

Bill King says he is not to be the tail. Says he will not be wagged. Wheelock was tender enough before, now will he be less so? Has this new arrangement emancipated him so he will dare to expose the lies and false claims of King and Minneapolis? Is mum the motto of the St. Paul end and fight the motto of the Minneapolis end.

Or will Wheelock advocate St. Paul and puncture the lies of the Minneapolis end. If the new arrangement does not make the *P. P.* a fighting paper for St. Paul while the King end is a fighting paper for Minneapolis then indeed are we sold out, horse, foot and dragoons. St. Paul becomes the tail, and King the dog that wags it. Citizens of St. Paul, where do you find yourselves?

STILLWATER NEWS.

Stillwater Mills yesterday shipped a car of screenings to New York.

The Helen Mar went out for Hastings yesterday with another raft of ties.

On Wednesday 2,125 bushels of wheat were unloaded at the Stillwater mills.

Track laying on the extension of the transfer line will be completed to-day.

The Nellie Kent yesterday brought up from Prescott twelve cars merchandise for St. Paul.

Harvey Davis and John Moore were up before Judge Norgord, yesterday, charged with assault and battery. Both were discharged.

John Navratil will play the clarionet in the Germania orchestra to-morrow evening. It is probable that his services will be retained thereafter.

The St. Paul & Duluth road yesterday shipped six cars merchandise and six cars of lumber to St. Paul and one car of wheat and four of flour to Duluth.

Mr. Gus Borene, formerly proprietor of the St. Croix house, is negotiating the purchase of thirty feet front of ground, corner Second and Chestnut streets, from Jacob Mieli.

A Happy Marriage.

Theodore Van Tassell and Miss Ida Lowell were united in marriage Wednesday evening, at the residence of the bride's mother, by Rev. Mr. Keihle. Mr. Chas. McCluer and Mr. Chas. McComb acted as groomsmen, and Miss Oretha Seymour and Miss Hattie McKusick as bridesmaids.

After the ceremony was performed the happy couple received the congratulation of their many friends. Under the influence of the sweet strains discoursed by Prof. Jones and Charles Burns, the company tripped the light fantastic. Mr. Van Tassell and bride were the recipients of many beautiful presents, among which were: A silver ice pitcher by the members of the bar; berry dish, groomsmen and bridesmaids; silver cake basket, "T. T. T. boys;" sugar spoon, Mr. and Mrs. Al. Hospes; card case, Matt. Clark; bouquet holder, J. A. Johnson; berry spoon, J. E. Staples; butter dish, Mr. and Mrs. W. G. Bronson; silver butter knife and two table spoons, Miss Jessie Robertson; cuff pins, Stella Thomson; half doz. teaspoons, Mr. and Mrs. F. Marsh; parlor lamp, Mr. and Mrs. J. C. Henning; two camp chairs, Nellie Sawyer, Viola Wheller, Cora May; carving knife and fork, Mr. and Mrs. Myron Shepard.

An Alleged Mail Robber.

Joseph E. Patton was arrested at Rushford on Monday, and was yestereay arraigned before Commissioner Cardozo, charged with robbing the mails. Some weeks ago the postal authorities were informed that a draft sent from Jamestown, Dakota, to Green Bay, Wis., for the sum of $100, had been cashed at a bank in Fargo on the day after it was mailed. This awakened suspicion, and S. P. Childs, special agent of the postoffice department, was sent to work the case up. He succeeded in tracing the man who drew the money to Rushford, Fillmore county, where he arrested him on the charge of robbing the mails. On application of the prisoner the case was postponed to the 28th inst., to enable him to procure witnesses to prove that the draft of right belonged to him.

Probate Court.

The final report of the executors of the estate of James M. Taylor, deceased, was approved and executors discharged.

The last will and testament of Mrs. Julia V. Kiehle, deceased, was proved and allowed, and the executor named in the will, Mr. R. S. Lee, required to file his bond, with sureties, to the sum of $10,000.

In order to take deposition of witnesses residing out of the State the hearing of proofs of the will of Marrietta J. Moulton was adjourned to October 16, 1878.

Victoria.

SAN FRANCISCO, Sept. 19.—Victoria dispatch: The opposition victories in Canada East have created much interest here. Sir John A. McDonald, having lost his seat for Kingston, Ont., has been put forward as a candidate in Victoria City, and will undoubtedly be elected. The Chinese strike continues. Great inconvenience is experienced by housekeepers and hotelkeepers in consequence of a lack of servants.

There were thirty marriages and twenty births in Fond du Lac county during the month of August.

SUPREME COURT.

FULL TEXT OF DECISION FILED.

The City of St. Paul, Respondent, vs. Frederick W. Treayer, Appellant.

OPINION.

The ordinance, for a violation of which, defendant was convicted, purports to be an amendment of Section 2 of an ordinance in relation to markets, and as amended its provisions are as follows: "Every farmer, gardner, or person producing vegetables, shall not sell the said vegetables in, upon, or along the public streets or highways in the city of St. Paul without having first obtained a license so to do from the city clerk, as other licenses are procured, for which license said person or persons aforesaid shall pay into the city treasury the sum of $25 for one year ending on the first Thursday of May in each year, and no fractional license shall be given, and said license shall only permit the sale of vegetables away from the public market after 10 o'clock of any day."

It is apparent that the provisions of this section are founded upon the assumption that the common council, under the charter, possesses the power to license the pursuit of the particular calling or business mentioned, in and along the streets of the city, and to prescribe as an incident thereto when it may be followed, what sum shall be paid for the privilege, and also to prohibit the business entirely without a license as an efficient means for the protection and enjoyment of the power itself. The ordinance is in entire harmony with this view and no other. It was not passed, as suggested by counsel, by virtue of any power of supervision and control over the streets, because powers of that character are conferred for the sole purpose of putting and preserving the public streets in a fit and serviceable condition as such, by keeping them in repair and free from all obstructions and uses tending in any way to the hinderance or interruption of the public travel, and to that end alone can they be exercised.

The ordinance in question has no such object in view. On the contrary, it expressly authorizes the use of the public streets for the purposes of the licensed traffic during that portion of each day when ordinarily the travel is the greatest, and when such traffic would be most likely to interfere with the free and uninterrupted passage of vehicles and footmen, and it contains no provision in any way restricting, or calculated to regulate, the manner in which the licensed business shall be conducted so as to occasion the least public inconvenience. It cannot be claimed that it was enacted in the exercise of any police power for sanitary purposes, or for the preservation of the good order, peace, or quiet of the city, because neither upon its face, nor upon any evidence before us, does it appear that any provision is made for the inspection of any articles sold or offered for sale under the license, or for preventing the sale of any decayed or unwholesome vegetables, nor is there any restraint or regulation whatever imposed upon the conduct of the business during the time it is permitted to be prosecuted. The annual sum exacted for the license is manifestly much in excess of what is necessary or reasonable to cover the expenses incident to its issue. The business itself is of a useful character, neither hurtful nor pernicious, but beneficial to society and recognized as rightful and legitimate, both at common law and by the general laws of the State. No regulations being prescribed in reference to its prosecution under the license, there could be little, if any, occasion for the exercise of any police authority in supervising the business or enforcing the ordinance, and no cause for any considerable expense on that account. In view of these facts, it is quite obvious that the amount of the license fee was fixed with reference to revenue purposes which it was the main object of the ordinance to promote by means of a tax imposed upon the particular employment or pursuit through the exercise of its power over the subject of granting licenses. Mayo vs. Cinn., 1 O. S., 268.

Such being the nature of the ordinance, and the power asserted in its passage, the question arises whether under the provisions of the charter of the city of St. Paul, in force at the time of its passage, which provisions are found embodied in the consolidation act of 1874 (Sp. laws 1874, ch. 1), the common council possessed the particular power which they have thus assumed to exercise.

Under the general rule of construction applicable to municipal charters, the existence of powers of a legislative character must be shown by an express grant, or as incidental and necessary to the proper enjoyment and exercise of such as are expressly conferred. Nothing outside or beyond this can be taken by intendment or implication. St. Paul vs. Laidler, 2 Minn. 190, Dunham et al. vs. Trustees of Rochester, 5 Cow., 462.

And when, as in this case, the ordinance which is sought to be sustained operates in restraint of an occupation or pursuit useful in its character, and which is so recognized at common law and under the laws of the State, it is especially necessary to show that the authority for its passage has been expressly or otherwise unequivocally conferred. Dill. Minn. Cor. Sec. 291 and note.

Furthermore, if, as in this case, the charter confers in general terms upon the common council authority to pass ordinances for certain designated general purposes connected with the good order and government of the municipality, which is followed by a provision in the same section containing the grant, declaring in terms that such ordinances &c., "shall have the force of law provided they be not repugnant to the constitution and laws of the United States or of this State, and that for such purposes said council shall have authority by ordinance, resolution or by-laws," to do, ordain and enact various enumerated things in the way of municipal control, regulation, restraint, prevention, granting licenses, &c., embracing as in this instance forty-one distinct specifications, thereby showing that the legislative mind was fully directed to the different matters concerning which municipal authority was intended to be given, it is but reasonable to conclude that the exact scope and extent of municipal power and authority conferred must be found in these specific enumerations rather than the general grant itself that the latter restricted and limited by the former.

Following these general canons of interpretation there can be but little difficulty in determining the question as to the validity of the ordinance under consideration.

Subdivision eighteen, section three of chapter four of the charter (special laws of 1874, chapter 1) under which in particular the power claimed by respondent is asserted, confers authority in terms "to establish public markets and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations."

This phraseology is so precise and specific as to leave little if any room for construction to arrive at the meaning and intention of the legislature in making the grant. The statute is its own best expositor. The power "to establish and make rules, etc.," here given applies both to "public markets" and to "other public buildings." It is the same in each. The use of the word *other* shows that markets was used in a restricted sense to designate public buildings erected and devoted to the use of receiving for sale and purchase such marketable articles for daily use and consumption as might be wanted to supply the inhabitants of the city. This of course would include the sites for the buildings and grounds adjacent used for market purposes.

To establish a public market in this sense is to designate and provide by purchase or otherwise, a site and place for the purchase and sale of provisions and articles of daily consumption by all who may desire to repair thither for that purpose, to erect thereon a suitable building adapted to the purpose, and to dedicate the same to such use for the benefit of the public or the inhabitants of the municipality wherein it is located, "to make rules and regulations for such markets or other buildings" is not a general and unrestricted one in relation thereto; but it is limited and confined to such as pertain solely to their government, to which end overseers may be appointed for their enforcement and "to restrain all persons from interrupting or interfering with the due observance of such rules and regulations." Under such authority any reasonable system of police regulations may be adopted providing for the safety and preservation of the property itself, its convenient use and beneficial enjoyment for the purposes for which it is intended, for the maintenance of good order, and in case the building is a market such further rules as may tend to insure honest dealings between buyer and seller and guard against fraud and imposition by the use of false weights, the sale of unwholesome food and such like evil practices.

But it would not be allowable under the color of such a limited authority for the council to prescribe regulations in respect either to the use of the streets of the city or the dealings or transactions of any of its citizens or other persons outside and beyond the established local limits of any of its public markets or other public buildings. A license or permission given to a farmer upon payment of twenty-five dollars into the city treasury to sell and deliver his vegetable products for a year to a customer living on a street at a distance away from the established public market, cannot in any just sense be regarded as a regulation pertaining to the government of such market.

That the power to license, regulate or restrain the particular business aimed at by the ordinance in question, is not covered by this subdivision of section three, is made further apparent by reference to the other specifically enumerated powers therein contained. We find there given express authority to license and regulate various kinds of business and employments, including "butchers' shops and butchers' stalls, venders of butchers' meat;" also power at any time "to revoke any license granted for malconduct in the course of trade, and to regulate and restrain the sale of fresh or butcher's meat, within the corporate limits of the city," and, "to punish or restrain the farestalling of poultry, game, eggs or fruit, within said city." If the power "to establish public markets" included an authority to license, regulate or prohibit any kind of business away from the locality of the market, it certainly covered that of vending fresh meats, and yet it was deemed necessary to confer it in express terms in that matter, thereby excluding the inference that any such authority could be exercised under the provision in relation to markets. It also appears that although the council is expressly authorized to license and regulate various trades and callings, and to restrain them if not licensed, there is no provision whatever for licensing hucksters, or the producers or venders of vegetables, or for preventing the sale and delivery of such products without a license elsewhere than at the public market. This is a significant fact indicating a legislative intent to withhold all such power. The ordinance cannot, in our judgment, be sustained under the clause relating to the establishment of markets or any of the provisions of section 3, ch. 4, of the charter. Dunham vs. Daniels, 5 Cow. 462; Bath vs. Hughs, 28 Geo. 560; Caldwell vs. Alton, 33 Ill. 416; Bloomington vs. Wadel, 46 Ill. 489; Darling vs. West, 29 Wis. 307. The question whether and how far, under the charter, the use of the streets of the city may be prohibited to huxsters and others for the purposes of traffic, need not be considered, for the ordinance is not one of that character.

Judgment reversed. CORNELL, J.

CRIMINATING EVIDENCE.

The Trial of Rev. H. H. Hayden for the Murder of Mary Stannard.

[New Haven Special (Sept, 15) to Chicago Times.]

Something has been said in the trial of Rev. H. H. Hayden for the murder of Mary E. Stannard, in Madison, of a letter she sent to her sister. This letter shares the fate of all other evidence tending to show that Hayden was criminally intimate with the unfortunate girl, in being ruled out by the justice. The facts about it are as follows: The latter part of the week before her murder, while working at Mrs. Studley's, in Guilford, Mary became convinced that she was pregnant. She told Mrs. Studley, who, upon examination agreed with her. She then told her that Hayden was the man and that her intercourse with him began one evening when she was working at his house, and his wife was absent at an oyster supper. She at first proposed to Mrs. Studley to send for Hayden, who she thought would come down to Guilford and bring her to this city to have an operation for abortion performed. Mrs. Studley did not want her house connected with such proceedings, and told her she had better go home, where Hayden was. Before going she wrote a letter to her sister, which was postmarked the Saturday before the murder. In it she told her sister that she was not well, and asked her to give another inclosed letter to Hayden as soon as she could without letting her father know anything about it. On the Sunday she went home from Guilford. Soon after getting there the letter came, and when her sister opened it Mary took the letter intended for Hayden and burned it, saying she could now take care of that matter. The letter to her sister still exists. Then, in answer to her sister's questions, she told the history of her relations with Hayden and the cause of her anxiety. On Monday she visited Hayden's house twice, and told her sister she could not find Hayden either time, as he had not got back from where he had preached Sunday. She went again and saw him, as Hayden admitted to the coroner's jury. Tuesday morning he went to Middletown, and on his way back saw her at the spring. She told her sister that he saw her there and asked her to meet him in the woods, where he would do something for her. She then went into the woods to the spot where the body was found. This is a brief sketch of the evidence which Justice Wilcox has ruled out and without which it is hard to give Hayden a motive or connect him with the crime. It is not likely that the stomach will be analyzed for the poison at present. Next Wednesday Prof. White will probably close the State's important evidence by showing that he finds more blood on Hayden's knife.

How Fortunes are Made Quick.

[Virginia City (Nev.) Chronicle.]

The growlers assert that the recent rise in silver stocks does not make the times any better. As fast as lucky operators clean up they rush off to San Francisco or the lakes to spend their money, and some are in such a hurry that they do not even settle their small bills. A good many Comstockers who asserted that Sierra Nevada was going to $200 a share could not resist the temptation to realize at $35 and $40, and got out with a handsome profit.

A couple of Italian vegetable dealers on C street realized $11,000 on a lot of this stock, which they had bought at $4.75 a share. They gave their store away to a friend, and will start for sunny Italy next week.

A man who was dealing faro over the El Dorado saloon bought some of the stock at $5, and induced everybody around the game to go in, except one man, who said that faro was good enough for him. All had sold out last Saturday at $37, and are going off to have a good time. The man who didn't buy was a case-keeper, who says that he hasn't called the turn right in five years.

Numbers of people who passed for poor folks, and were always ranked as such, are now coming to the front and pulling money out of old stockings to invest. Capital is coming out of its hole with a vengeance, and $20 pieces are swarming like flies who rush to flit joyously in the warm sunshine, or stick in the seductive molasses jug, maybe.

How Harmony Was Restored in a Much-Divided Household.

Some weeks ago Andrew Johnson, of Brooklyn, complained to the police of that city that his wife Catherine had left his bed and board with, as he supposed, a man named Sill, who had been a boarder in the Johnson family. That Andrew was mistaken in the latter supposition is evident from the following card published by him yesterday:

SEPTEMBER, Wensyday 4, 1878.—I mean to inform the public that I have fond my wife and three children by themselves in bisnes in Williamsburgh I hab rong her she never went with no blacksmith nor with no painter named Sill I hope to be excused for the wrong I have don I hope the public will excuse me for the wrong I have don to my wife and family.

Catharine Johnson's husband,
ANDREW JOHNSON.

Sauk Rapids (Benton county) *Press:* Mr. E. Cross is having a sugar mill made for manufacturing sugar and syrup out of the sugar amber cane, which has been quite extensively raised by a number of our farmers this year. It is a splendid crop, and many of our rural friends, as also several of our own townsmen, expect to make enough sugar and syrup this fall for their home consumption this winter.

GLOBELETS.

Cremation has been made optional by law in Gotha.

Baltimore boasts of the wickedest boys in America.

San Francisco dreads leprosy more than yellow fever.

Mosby goes to Hong Kong at a salary of $4,000 a year.

Mrs. Van Cott was converted on a Fulton ferry boat, and weighs 225 pounds.

Mr. Clegg, of New Albany, has lived on a pint of corn meal a day for five months.

The oldest man in the world has just died at Lima, O. We have no oldest man now.

Boston *Post:* Schurz may not be much of a machine politician, but he is pretty cranky.

Orville Grant's physicians pronounce him much better, and expect to complete a cure.

Alexander H. Stephens over-exerted himself in his renomination campaign, and is sick-a-bed again.

Large numbers of hogs, afflicted with the hog cholera, are arriving at the Chicago stockyards.

When a woman sees a flock of birds she cries, "How beautiful!" A man says, "What a shot!"

It is reported in London that Lord Cairns, lord high chancellor, is about to be created Earl Cairns.

Gideon S. Moody has been appointed associate justice of the supreme court of Dakota Territory.

The English court has gone into mourning for three weeks for the death of Queen Christina of Spain.

Nashville thinks her exemption from yellow fever is due to the fact of her situation on a limestone bluff.

It is proposed that the tramps hold a national convention, in order to pass a vote of thanks to Kearney and Butler.

New Haven *Register:* The portrait of Ada Cavendish now adorns New York show windows. It is said to be a fine cut.

Abdul Aziz, Sultan of Turkey, in his dread of fire, used to read by the light of a candle floating in a basin of water.

Ex-Gov. Dennison, of Ohio, will reside in that State permanently hereafter. He has selected Columbus as his home.

John G. Whittier says that Ralph Waldo Emerson is the one American who is sure of being remembered a thousand years.

Miss Rosanna Dana, a daughter of Richard H. Dana, Jr., was recently married in Boston to Mr. Henry Wild, of New York.

A Newburyport lady was thrown down by a big dog and broke her nose the other day. And yet they say dogs should not be muzzled.

There is insanity in Victor Hugo's family. One of his daughters died insane, and one of the poet's daughters is a hopeless maniac.

Palestine, Texas, has just laid the cornerstone of what will be the finest Masonic temple in the South. A good